



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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**STATEMENT OF COMMISSIONER AJIT PAI
ON D.C. CIRCUIT'S DECISION IN *CBS CORP. v. FCC***

I commend the D.C. Circuit for rejecting the Commission's party-line order permitting the disclosure of programming agreements to outside parties in the merger proceedings. I opposed the Commission's decision for both substantive and procedural reasons, and I am pleased that the court shared my concerns. Throughout this dispute, the Commission failed to explain why it was necessary to disclose these sensitive documents to third parties or why it was necessary to thwart companies objecting to such disclosure from obtaining judicial review.

This is a good case study of how bad process leads to bad outcomes. The cursory two-page order that was vacated by the D.C. Circuit today was presented to me at 1:39 PM on November 10, 2014. I was then told that I had to cast my vote by the end of that day; otherwise, the confidential documents would be disclosed to third parties. No justification was provided for this extremely truncated review process. Based on today's D.C. Circuit decision, it is obvious that the Commission's order would have benefited from more thoughtful deliberation.

From the beginning of this dispute, I urged the Commission's leadership to sit down at the negotiating table and reach a reasonable compromise with programmers. Unfortunately, they did not do so but instead took an unfortunately common "my way or the highway" approach. Today's decision by the D.C. Circuit highlights the flaws with that approach.